

Regular Session, 2010

SENATE BILL NO. 592

BY SENATOR MICHOT

ALTERNATE ENERGY. Authorizes the granting of servitudes on state lands for development and production of hydrokinetic energy. (gov sig)

1 AN ACT

2 To enact R.S. 30:121(E) and 124.1, relative to the development of renewable energy
3 sources; to authorize the Department of Natural Resources to grant servitudes on
4 state lands for the development and production of energy from hydrokinetics; to
5 provide for legislative findings; to provide a process for granting servitudes on state
6 lands for the development and production of energy from hydrokinetics; to provide
7 for the powers and duties of the secretary of the Department of Natural Resources
8 and of the State Mineral and Energy Board; to provide for the promulgation of rules
9 and regulations; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 30:121(E) and 124.1 are hereby enacted to read as follows:

12 §121. State Mineral and Energy Board created; composition and powers

13 * * *

14 **E. The legislature finds that the state, through the Department of**
15 **Natural Resources, should promote the generation and use of the renewable**
16 **energy derived from hydrokinetics in waterways throughout the state to ensure**
17 **the viability of the state's natural resources, to provide a continuing utility-scale**

1 clean energy source for the citizens and businesses of Louisiana to support
2 economic development through job retention and creation in Louisiana, and to
3 promote a clean and lasting environment.

4 * * *

5 §124.1. Servitudes on state lands

6 Notwithstanding any other provision of law, the State Mineral and
7 Energy Board, in accordance with the provisions of this Chapter and rules and
8 regulations promulgated by the secretary of the Department of Natural
9 Resources in accordance with the Administrative Procedure Act, shall have the
10 authority to grant servitudes for the development and production of
11 hydrokinetic energy on any lands belonging to the state or lands to which title
12 is held by the state, including water bottoms, vacant state lands, and lands
13 adjudicated to the state at tax sale, except lands that form any portion of state
14 highway rights-of-way. A servitude shall be granted only to the holder of a
15 hydro power license or an exemption from a hydro power license covering the
16 location of such servitude issued by the Federal Energy Regulatory Commission
17 pursuant to the authority granted to the commission under the Federal Power
18 Act, 16 USC 791a et seq. Any servitude granted under the provisions of this
19 Chapter shall be subject to and conditioned upon receipt and continued
20 maintenance of a hydro power license issued by the Federal Energy Regulatory
21 Commission pursuant to the authority granted to such commission under the
22 Federal Power Act.

23 Section 2. This Act shall become effective upon the signature by the governor or, if
24 not signed by the governor, upon expiration of the time for bills to become law without
25 signature by the governor, as provided by Article III, Section 18 of the Constitution of
26 Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act
27 shall become effective on the day following such approval.

The original instrument was prepared by Michelle Broussard-Johnson. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jerry G. Jones.

DIGEST

Michot (SB 592)

Proposed law provides that the State Mineral and Energy Board, in accordance with law and regulations promulgated by the secretary of DNR pursuant to the APA, shall have the authority to grant servitudes for the development and production of hydrokinetic energy on any lands belonging to the state or lands to which title is held by the state, including water bottoms, vacant state lands, and lands adjudicated to the state at tax sale, except lands that form any portion of state highway rights-of-way.

Proposed law also provides that a servitude shall be granted only to the holder of a hydro power license or an exemption from such license issued by the Federal Energy Regulatory Commission that covers the location of the servitude.

Proposed law further provides that any servitude granted under the proposed law shall be subject to and conditioned upon receipt and continued maintenance of a hydro power license issued by the Federal Energy Regulatory Commission.

Effective upon the signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 30:121(E) and 124.1)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Natural Resources to the original bill.

1. Technical amendments.